

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

AARON C. PURDY,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-24-348-D
)	
STEVEN HARPE,)	
)	
Respondent.)	

ORDER

Petitioner Aaron C. Purdy brought this action seeking a writ of habeas corpus under 28 U.S.C. § 2254 [Doc. No. 1] (“Petition”). The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B) and (C). Respondent Steven Harpe filed a Response to Petition for Writ of Habeas Corpus [Doc. No. 10], and Petitioner filed an Amended Reply [Doc. No. 16].

On December 20, 2024, Judge Erwin issued a Report and Recommendation [Doc. No. 20] (“R&R”), in which he recommends that the Petition be denied. In the R&R, Judge Erwin notified Petitioner of his right to file an objection to the R&R on or before January 6, 2025, and that the failure to object waives Petitioner’s right to appellate review of both factual and legal issues contained in the R&R. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

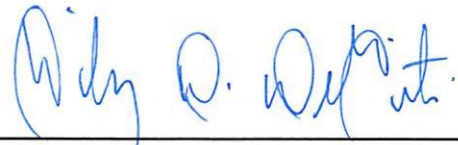
Upon review of the file and noting no timely objection to the findings and recommendations of Judge Erwin, the Court **ADOPTS** the R&R [Doc. No. 20] in its entirety.

IT IS THEREFORE ORDERED that the Petition [Doc. No. 1] is **DENIED**. A separate judgment shall be entered accordingly.

IT IS FURTHER ORDERED that, pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (“COA”) when it enters a final order adverse to a petitioner. A COA may issue only if Petitioner “has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Where, as here, a court rejects a claim on the merits, the petitioner “must demonstrate that reasonable jurists would find the district court's assessment of [that claim] debatable or wrong.” *United States v. Park*, 727 F. App’x 526, 528 (10th Cir. 2018) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Upon consideration, the Court finds the requisite standard is not met in this case. Therefore, a COA is **DENIED**. The denial shall be included in the judgment.

IT IS SO ORDERED this 24th day of January, 2025.



TIMOTHY D. DeGIUSTI
Chief United States District Judge